

4879. Adulteration and misbranding of tomato pulp. U. S. * * * v. 25 Cases of Canned Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6781. I. S. No. 3686-k. S. No. E-375.)

On or about August 4, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 2 dozen cans, of tomato pulp, remaining unsold in the original unbroken packages at Alexandria, Va., alleging that the article had been shipped, on or about July 22, 1915, by W. P. Andrews, Crapo, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Asquith Brand Tomato Pulp, Made from Small Tomatoes and Fresh Tomato Trimmings, and Put Up under the Most Sanitary Conditions."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole and in part, of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form, and the quantity of the contents of each package was not plainly and conspicuously marked on the outside of each package in terms of weight, measure, or numerical count.

On January 5, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*